

B UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JACQUELINE BEEBE,

Plaintiff,

v.

V&J NATIONAL ENTERPRISES, LLC, et al.,

Defendants.

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**DECLARATION**

Civil Action No.  
6:17-cv-06075-EAW

Dave Boose declares, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am the Vice President of Operations for V&J United Enterprises, LLC and V&J National Enterprises, LLC. In this role, I have obtained knowledge regarding the corporate structure of the Defendants and corporate transactions entered into by Defendants. The facts set forth in this declaration are based upon my personal knowledge and/or documents which are kept in the course of the Defendants' regularly conducted business/operational activity.

2. Prior to the close of business on September 6, 2017, V&J United Enterprises, LLC ("V&J United") and V&J National Enterprises, LLC. ("V&J National") operated several Pizza Hut stores as a franchisee, and V&J Employment Services, Inc. ("V&J Employment") employed the delivery drivers at those stores.

3. On September 6, 2017, V&J National and V&J United sold all of their Pizza Hut assets to an independent entity through an asset sale in an arms' length transaction.

4. This purchaser is a separate legal entity that is not affiliated with any of the Defendants in this matter.

5. As of the close of business on September 6, 2017, the Defendants in this matter did not own or operate any Pizza Hut franchises and, accordingly, do not employ any delivery drivers.

6. As is customary with the sale of assets, employees at the Pizza Hut stores were terminated from employment with V&J Employment upon the close of business on September 6, 2017.

7. Some or all of these employees may have continued in their positions as employees of the new franchisee, but the Defendants in this matter had and have no involvement with, or knowledge of, that employment.

8. On September 6, 2017, just prior to the sale (and, thus, just prior to their termination from employment with V&J Employment), delivery drivers were given the opportunity to sign a release in exchange for \$250.

9. Wendy Garagozzo, Human Resources Manager for V&J Employment, and I met with employees on September 6, 2017 to provide them with the releases and give them the opportunity to sign.

10. I held meetings at the Pizza Hut stores in Binghamton, Cortland, Chittenango, Oneida, Rome, and Cicero. Delivery drivers who worked at those stores and in the vicinity of those stores were asked by their supervising Store Managers and Directors to attend the meetings.

11. During the meetings I held on September 6, 2017, I knew the drivers and greeted them as they entered the room. I provided the releases to them to read and decide if they wanted to sign. There were approximately 34 people in attendance at all of the meetings. I did not pressure anyone who came in to sign. The delivery drivers were given as much time as they

needed to review and sign the release if they chose to do so. I collected all releases that were signed at the locations I visited.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on October 20, 2017.

/s/ Dave Boose

Dave Boose